

ADJOURNMENT.

On motion of Mr. Burmeister, the House, at 10:10 o'clock a. m., adjourned until 10:10 o'clock a. m. Thursday, February 10.

TWENTY-THIRD DAY.

(Thursday, February 10, 1921.)

The House met at 10:10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Aiken.	Hanna.
Baker.	Hardin.
Baldwin.	Harrington.
Barker.	Harrison.
Barrett of Bell.	Henderson
Barrett of Fannin.	of McLennan.
Bass.	Henderson
Beasley	of Marion.
of Hopkins.	Hendricks.
Beasley	Hill.
of McCulloch.	Horton.
Beavens.	Johnson
Black, O. B.,	of Wichita.
of Bexar.	Jones.
Black, W. A.,	Kacir.
of Bexar.	Kellis.
Bonham.	King.
Brady.	Kveton.
Branch.	Lackey.
Brown.	Laird.
Bryant.	Lauderdale.
Burkett.	Lawrence.
Burmeister.	Leslie.
Burns.	Lindsey.
Carpenter.	Looney.
Childers.	McCord.
Chitwood.	McFarlane.
Coffee.	McKean.
Cox.	McLeod.
Crawford.	Martin.
Crumpton.	Marshall.
Cummins.	Mathes.
Curtis.	Melson.
Darroch.	Menking.
Davis, John E.,	Merriman.
of Dallas.	Miller of Dallas.
Davis, John,	Miller of Parker.
of Dallas.	Morgan.
Dinkle.	Moore.
Duffey.	Morris of Medina.
Duncan.	Morris
Edwards.	of Montague.
Estes.	Mott.
Faubion.	Neblett.
Fly.	Neinast.
Fugler.	Owen.
Garrett.	Patman.
Greer.	Perkins
Grissom.	of Cherokee.
Hall.	Perkins of Lamar.

Perry.	Sweet of Tarrant.
Pollard.	Teer.
Pope.	Thomas
Quaid.	of Limestone.
Quicksall.	Thomason.
Quinn.	Thompson
Rice.	of Harris.
Rogers of Harris.	Thompson
Rogers of Shelby.	of Red River.
Rosser.	Thorn.
Rountree.	Thrasher.
Rowland.	Veatch.
Satterwhite.	Wadley.
Schweppe.	Walker.
Seagler.	Wallace.
Sims.	Webb.
Smith.	Wessels.
Sneed.	West.
Stephens.	Westbrook.
Stevenson.	Williams
Stewart	of McLennan.
of Edwards.	Williams
Stewart of Reeves.	of Montgomery
Swann.	Wright.
Sweet of Brown.	

Absent.

Johnson of Ellis.	Malone.
Laney.	

Absent—Excused.

Adams.	McDaniel.
Binkley.	Pool.
Johnson	Shearer.
of Gillespie.	

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Shearer for today and tomorrow, on motion of Mr. Brady.

Mr. West for today, on motion of Mr. Morgan.

Mr. Adams was excused for today, on motion of Mr. Sweet of Tarrant on account of sickness.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bryant and Mr. Burkett:

H. B. No. 423. A bill to be entitled "An Act to define retail and wholesale dealers in articles of commerce; to prohibit discrimination in making sales of such articles of commerce of wholesale

dealers to retail dealers; to provide penalties by fine and imprisonment for discrimination in making sales or refusing to make sales of such articles of commerce by wholesalers to retailers, and to prevent the giving of rebates, commissions, refunds, or bonuses by wholesalers to retailers, or to any other person on articles of commerce sold by wholesalers to retailers; and to prevent the giving of rebates, commissions, refunds and bonuses to any person, association, partnership or corporation on any article of commerce sold to retailers by wholesalers; to prevent any such person from receiving such rebates, commissions, refunds or bonuses from wholesalers on articles of commerce sold to retailers by wholesalers; and to provide penalties and punishment for the violation of the provisions of this act, and to fix a venue of suits, recover penalties, and for prosecution under this act."

Referred to Committee on Criminal Jurisprudence.

By Mr. Lindsey:

H. B. No. 424, A bill to be entitled "An Act creating the Woodville Independent School District in Tyler county, Texas; defining its boundaries; providing for a board of trustees in said independent school district; conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid the local maintenance tax heretofore voted and now in effect in the territory included in the school district hereby created, repealing all laws in so far as they conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Laney:

H. B. No. 425, A bill to be entitled "An Act to provide for a study in fire prevention; making it the duty of the Board of Education, school directors, or other committees or persons having control of the public and private schools in towns and villages, to arrange for a course of study in fire prevention and control."

Referred to Committee on Education.

By Mr. Burkett:

H. B. No. 426, A bill to be entitled

"An Act to apportion the State of Texas into congressional districts, consisting of nineteen in number, and designating the counties to be embraced in the said congressional districts."

Referred to Committee on Congressional Districts.

By Mr. Johnson of Wichita:

H. B. No. 427, A bill to be entitled "An Act to amend Articles 2944, 2945 and 2945a, of the Revised Civil Statutes of the State of Texas, relating to the method of paying poll taxes and providing that a husband or wife may pay the poll tax of the other without written authority."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. West:

H. B. No. 428, A bill to be entitled "An Act adding Article 1126a to the Revised Statutes of Texas, 1911, providing for the incorporation by the Secretary of State, to incorporators filing charters, or amendments in the Department of State."

Referred to Judiciary Committee.

By Mr. Laird:

H. B. No. 429, A bill to be entitled "An Act requiring persons, firms, corporations and receivers engaged in the transportation of passengers and freight in this State to erect or cause to be erected and maintained at each side-track or way station where passengers or local freight is received or discharged, a suitable building for the protection of passengers and freight which may be received or discharged at such stations; naming time when such building may be erected, giving dimensions; providing a penalty for violation of this act, and repealing all laws in conflict herewith."

Referred to Committee on Common Carriers.

By Mr. Quinn:

H. B. No. 430, A bill to be entitled "An Act to amend Section 29, Chapter 118, General Laws of the Thirty-second Legislature, Regular Session, approved March 28, 1911, as amended by Chapter 36, page 91, General Laws Thirty-third Legislature, First Called Session, 1913, entitled 'An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts; construct canals, drains and ditches; to make levees, improve streams and water courses and make other improvements for the pur-

pose of drainage, etc.; and declaring an emergency.' the said section relating to the execution of a bond by the county judge after registration of drainage bonds; payment of premium by drainage district if bond is executed by surety company, and providing for the compensation of the county judge for his service, so that said section shall hereafter read as herein set out, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Morris of Medina:

H. B. No. 431, A bill to be entitled "An Act to amend Chapter 78 of the Second Called Session of the Thirty-sixth Legislature by repealing Section 31 thereof and adding thereto a new section to be known as Section 31, providing that it shall not be necessary in any prosecution under this act to negate the exceptions herein made, but the same shall be available to the defendant as purely defensive matters."

Referred to Judiciary Committee.

By Mr. Cox, Mr. Rowland, Mr. Burkett and Mr. Sweet of Brown:

H. B. No. 432, A bill to be entitled "An Act to amend Section 8 of Chapter 139 of the General Laws of the State of Texas passed by Regular Session, and amended by the Thirty-sixth Legislature at its Second Called Session, Chapter 5, page 24, of the General Laws of the Second Called Session of the Thirty-sixth Legislature; changing the time of holding court in the various counties of the Forty-second Judicial District of Texas; abolishing the criminal jurisdiction of said district court in Stephens county and conferring said criminal jurisdiction upon the district court of the Ninetieth Judicial District of Texas; abolishing the office of assistant district attorney for Stephens county in the district courts of the Forty-second Judicial District and creating the office of district attorney in the district court of said Ninetieth Judicial District of Texas and providing that the district attorney of said district court for said Ninetieth Judicial District shall draw the same salary as now being drawn by said assistant district attorney; validating all process, writs and bonds issued or executed prior to the taking effect of this act; repealing all laws and parts of laws in conflict herewith, and creating an emergency."

Referred to Judiciary Committee.

By Mr. Bonham:

H. B. No. 433, A bill to be entitled "An Act to amend Article 791, Chapter 7, Title 8, of an act entitled 'An Act to adopt and establish a penal code and code of criminal procedure for the State of Texas, approved on the 31st day of March, 1911, by providing that persons charged as principals, accessories or accomplices, whether in the same or in different indictment, may be introduced as witnesses for one another upon the trial of such cause or causes.'"

Referred to Committee on Criminal Jurisprudence.

By Mr. Bonham:

H. B. No. 434, A bill to be entitled "An Act to amend Article 790, of Chapter 7, Title 8, of an act entitled 'An Act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' approved on the 31st day of March, 1911, providing that where two or more persons are jointly charged or indicted in a criminal action, and where a severance is had such persons may each testify in such cause or causes."

Referred to Committee on Criminal Jurisprudence.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee as follows:

By Mr. Bryant, Mr. Burkett, Mr. Veatch and Mr. Quicksall:

H. J. R. No. 23, Providing for the amendment to Article III of the Constitution of the State of Texas, by adding thereto Section 59, authorizing the State of Texas to appropriate money from the general revenue and issue bonds and to lend its credit for the purpose of constructing and maintaining terminal fire-proof warehouses and grain elevators at the ports of Texas for the storage of the products of the farm, ranch and orchard, and for loading for shipment for water transportation; and authorizing counties adjoining, or any defined district within the State to issue its bonds for the elevator, cold storage and curing plants and any other buildings desirable for the storage and conservation of the products of the farm, ranch and orchard.

Referred to Committee on Constitutional Amendments.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 84, to Judiciary Committee.

Senate bill No. 90, to Committee on Revenue and Taxation.

Senate bill No. 138, to Committee on Education.

Senate bill No. 139, to Committee on Education.

Senate bill No. 151, to Committee on Education.

Senate bill No. 194, to Committee on Education.

Senate bill No. 158, to Committee on Education.

Senate bill No. 117, to Committee on Oil, Gas and Mining.

Senate bill No. 149, to Committee on Criminal Jurisprudence.

Senate bill No. 179, to Committee on Education.

BILL ORDERED PRINTED.

On motion of Mr. Stewart of Edwards, it was ordered that House bill No. 86, with majority adverse and minority favorable report, be printed.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Rogers of Shelby, it was ordered that Senate bill No. 66 be not printed.

On motion of Mr. Rowland, it was ordered that House bill No. 353 be not printed.

INVITING HON. R. E. THOMASON TO ADDRESS THE HOUSE.

Mr. Teer offered the following resolution:

H. C. R. No. 19, Inviting Hon. R. E. Thomason to address the Legislature.

Whereas, The Thirty-sixth Legislature was presided over by a man who endeared himself in the hearts of so many of the members of this House and Senate, in his official and private life while among us; and

Whereas, He rendered to this State one of the greatest services that was ever performed by any public official; and

Whereas, As an expression of our appreciation of that service and our friendship for him; be it

Resolved that this House, the Senate concurring, extend to the Hon. R. E.

Thomason, former Speaker of this House, an invitation to address the Senate and House in joint session at his convenience, and that we invite him, if it is possible for him to do so, to address the two bodies and to spend a pleasant day with us while we are here in the city of Austin, and that the Chief Clerk be instructed to forward a copy of this resolution to Mr. Thomason.

Signed—Teer, Faubion, Lackey, Seagler, Beasley of McCulloch, Hall, John Davis of Dallas, Stephens.

The resolution was read second time and was adopted.

TO PAY TEMPORARY STENOGRAPHER.

Mr. Satterwhite offered the following resolution:

Whereas, Miss Annis Robbins, stenographer to the Speaker, worked for him and other members of the House of Representatives two days prior to the opening of the present session, viz., January 8 and 10, in the preparation of resolutions and other papers necessary to the speedy organization of the House; therefore, be it

Resolved, That she be allowed pay for said two days at the rate of \$5.00 per day, payable out of the mileage and per diem fund of the House.

Signed—Satterwhite, Teer, Hall, Thomason.

The resolution was read second time, and was adopted.

RELATING TO REMOVAL OF UNIVERSITY.

Mr. John Davis of Dallas offered the following resolution:

H. C. R. No. 20, Submitting to the qualified electors of the State of Texas the question of whether or not the University of Texas shall remain at its present location or be removed; calling for election in November, 1922, and July, 1923, and making appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. There shall be submitted to the qualified electors of Texas, at the general election to be held in Texas, the first Tuesday after the first Monday in November, 1922, the matter of whether or not the University of Texas shall be removed from its present location.

Sec. 2. The form of questions to be voted on by the qualified voters of Texas shall be as follows:

First. Shall the University of Texas be removed from its present location?

Answer: (Yes or No).....

Second. If you answer the foregoing question in the affirmative (yes), then please state where the University of Texas shall be located?

Answer: (Name of location).

Sec. 3. In the event it is decided to remove the University of Texas in election of November, 1922, and no proposed location shall receive a majority of votes cast, then there shall be held another election on the fourth (4th) Saturday in July, 1923, to finally determine the location of the University of Texas. At said election in July, 1923, there shall be submitted to the qualified voters of Texas the two named locations receiving the highest number of votes in election of November, 1922, and the location receiving the highest number of votes in election of July, 1923, shall be declared to be the location for the University of Texas.

Sec. 4. The Governor of this State is hereby directed to issue the necessary proclamation for said elections and have the same published as required by law.

Sec. 5. The sum of five thousand (\$5,000.00) dollars or so much thereof as may be necessary, is hereby appropriated out of funds in the treasury of the State not otherwise appropriated, to pay the expenses of such publication and elections.

The resolution was read second time.

On motion of Mr. John Davis of Dallas, the resolution was referred to the Committee on Appropriations.

REPORT OF COMMITTEE TO INVESTIGATE NEINAST CHARGES.

The Speaker laid before the House, as postponed business, for consideration at this time, the report of the committee to investigate the charges against Hon. H. J. Neinast, with motion of Mr. Fly to adopt the majority report and motion of Mr. Wessels to adopt the minority report, and motion of Mr. Miller of Dallas to postpone consideration of the motion of Mr. Wessels indefinitely pending.

Mr. Miller of Dallas moved a call of the House for the purpose of maintaining a quorum pending consideration of the report, and the call was seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all the other doors leading from the Hall, and stated that no

member would be permitted to leave the Hall without written permission from the Speaker.

In accordance with the provisions of a resolution heretofore adopted by the House, Hon. John M. Mathis, representing Mr. Neinast, addressed the House.

Mr. Miller of Dallas moved the previous question on the pending motions and the report, and the main question was ordered.

Question first recurring on the motion of Mr. Miller of Dallas to postpone further consideration of the minority report indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely prevailed by the following vote:

Yeas—112.

Aiken.	Harrington.
Baker.	Henderson
Baldwin.	of McLennan.
Barker.	Henderson
Barrett of Bell.	of Marion.
Barrett of Fannin.	Hendricks.
Bass.	Hill.
Beasley	Horton.
of Hopkins.	Johnson of Ellis.
Beasley	Johnson
of McCulloch.	of Wichita.
Beavens.	Jones.
Black, O. B.,	Kacir.
of Bexar.	Kellis.
Bonham.	King.
Brady.	Lackey.
Branch.	Laird.
Brown.	Lawrence.
Bryant.	Leslie.
Burkett.	Lindsey.
Burmeister.	McCord.
Burns.	McFarlane.
Carpenter.	McKean.
Childers.	McLeod.
Chitwood.	Martin.
Coffee.	Marshall.
Cox.	Mathes.
Crawford.	Melson.
Cummins.	Merriman.
Curtis.	Miller of Dallas.
Darroch.	Miller of Parker.
Davis, John E.,	Morgan.
of Dallas.	Moore.
Davis, John,	Morris of Medina.
of Dallas.	Morris
Dinkle.	of Montague.
Duffey.	Mott.
Duncan.	Neblett.
Estes.	Perkins
Faubion.	of Cherokee.
Fly.	Perkins of Lamar.
Fugler.	Perry.
Greer.	Pollard.
Grissom.	Pope.
Hall.	Quaid.
Hanna.	Quicksall.

Rice.	Sweet of Brown.
Rogers of Harris.	Sweet of Tarrant.
Rogers of Shelby.	Teer.
Rosser.	Thomason.
Rountree.	Thompson
Rowland.	of Harris.
Satterwhite.	Thorn.
Seagler.	Thrasher.
Sims.	Veatch.
Smith.	Walker.
Sneed.	Wallace.
Stephens.	West.
Stevenson.	Westbrook.
Stewart	Williams
of Edwards.	of McLennan.
Stewart of Reeves.	Wright.
Swann.	

Nays—14.

Crumpton.	Schweppe.
Edwards.	Thomas
Hardin.	of Limestone.
Harrison.	Webb.
Kveton.	Wessels.
Lauderdale.	Williams
Menking.	of Montgomery
Owen.	

Present—Not Voting.

Garrett.	Quinn.
Looney.	Thompson
Neinast.	of Red River.
Patman.	Wadley.

Absent.

Black, W. A.,	Laney.
of Bexar.	Malone.

Absent—Excused.

Adams.	McDaniel.
Binkley.	Pool.
Johnson	Shearer.
of Gillespie.	

Question next recurring on the adoption of the majority report, yeas and nays were demanded.

The majority report was adopted by the following vote:

Yeas—114.

Aiken.	Black, W. A.,
Baker.	of Bexar.
Baldwin.	Bonham.
Barker.	Brady.
Barrett of Bell.	Branch.
Barrett of Fannin.	Brown.
Bass.	Bryant.
Beasley	Burkett.
of Hopkins.	Burmeister.
Beasley	Burns.
of McCulloch.	Childers.
Beavens.	Chitwood.
Black, O. B.,	Coffee.
of Bexar.	Cox.

Crawford.	Merriman.
Cummins.	Miller of Dallas.
Curtis.	Miller of Parker.
Darroch.	Morgan.
Davis, John E.,	Moore.
of Dallas.	Morris of Medina.
Davis, John,	Morris
of Dallas.	of Montague.
Dinkle.	Neblett.
Duffey.	Perkins
Duncan.	of Cherokee.
Estes.	Perkins of Lamar.
Faubion.	Perry.
Fly.	Pollard.
Fugler.	Pope.
Garrett.	Quaid.
Greer.	Quicksall.
Grissom.	Rice.
Hall.	Rogers of Harris.
Hanna.	Rogers of Shelby.
Harrington.	Rosser.
Harrison.	Rountree.
Henderson	Rowland.
of McLennan.	Satterwhite.
Henderson	Seagler.
of Marion.	Sims.
Hendricks.	Smith.
Hill.	Sneed.
Horton.	Stephens.
Johnson of Ellis.	Stevenson.
Johnson	Stewart
of Wichita.	of Edwards.
Jones.	Stewart of Reeves.
Kacir.	Swann.
Kellis.	Sweet of Brown.
King.	Sweet of Tarrant.
Lackey.	Teer.
Laird.	Thomason.
Lawrence.	Thompson
Leslie.	of Harris.
Lindsey.	Thorn.
Looney.	Thrasher.
McCord.	Veatch.
McFarlane.	Walker.
McKean.	Wallace.
McLeod.	West.
Martin.	Westbrook.
Marshall.	Williams
Mathes.	of McLennan.
Melson.	Wright.

Nays—13.

Carpenter.	Schweppe.
Crumpton.	Thomas
Edwards.	of Limestone.
Hardin.	Webb.
Kveton.	Wessels.
Lauderdale.	Williams
Menking.	of Montgomery.
Owen.	

Present—Not Voting.

Mott.	Thompson
Neinast.	of Red River.
Patman.	Wadley.
Quinn.	

Absent.

Laney.

Malone.

Absent—Excused.

Adams.

McDaniel.

Binkley.

Pool.

Johnson

Shearer.

of Gillespie.

Mr. Miller of Dallas moved to reconsider the vote by which the report was adopted and to table the motion to reconsider.

The motion to table prevailed.

Reason for Not Voting.

Mr. Speaker:

I desire to explain why I do not vote on the question.

When the report of the committee came in, a motion to publish the evidence in the House Journal was made, and in discussion on said motion the chairman of the committee, Mr. Fly, stated the only question was one of law, whether or not the plea of Neinast of "guilty" in the Federal Court disqualified him as a voter in Texas; that the committee found the allegation of disloyalty was not sustained by the evidence adduced before the committee.

Understanding it was solely a question of law, this House refused to order the evidence published in the House Journal. After examining the decisions of many courts, I am satisfied the conviction in the Federal Court, being a foreign jurisdiction, did not disqualify Mr. Neinast as a voter, and not having had an opportunity to read the evidence and having heard only a small part thereof read by members of the committee before this House, I am unable to determine to my satisfaction the question whether or not Mr. Neinast was disloyal to his country.

The explanation made as to why Mr. Neinast pleaded guilty leaves open in my mind the question of actual guilt.

MOTT.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 10, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate bill No. 7, and has asked for a conference committee.

The following named Senators have been appointed for that purpose on the part of the Senate:

Senators Hall, Bledsoe, Fairchild, Cousins, Buchanan.

Has adopted Senate Concurrent Resolution No. 15, Inviting Miss Mary McSwiney of Cork, Ireland, to address the Legislature at her convenience, and has adopted House Concurrent Resolution No. 19, Inviting Hon. R. E. Thomason, former Speaker of the House, to address the Senate and House in joint session at his convenience.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

SENATE BILL NO. 55 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 55, A bill to be entitled "An Act to amend Article 1551, Chapter 9, Title 31, of the Revised Civil Statutes of Texas, of 1911, and also to amend Article 1627, Title 32, Chapter 9, Revised Civil Statutes of Texas, 1911, so as to provide, in substance, that when the judgment of the lower court is affirmed or reversed and rendered that the Court of Civil Appeals or the Supreme Court in which said suit is pending shall at the same time render judgments against the party appealing, together with the sureties on the appeal, or supersedeas bond for the amount of the judgment so rendered, and providing that the said court shall make such disposition as to costs as may be deemed proper; to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 63 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 63, A bill to be entitled "An Act to amend Article 4703 of Chapter 1, Title 70, and Article 5686, Chapter 2, Title 87, of the Revised Statutes of Texas of 1911, relating to survival of causes of action for personal injuries and injuries resulting in death, and providing for the survival of causes of action for injuries resulting in death where the tort-feasor dies before suit is instituted, and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 76 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 76, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in the year 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency."

The bill was read second time.

Mr. Jones offered the following amendment to the bill:

Amend Senate bill No. 76 by striking out the enacting clause of the bill.

Question—Shall the amendment be adopted?

Mr. Henderson of McLennan raised a point of order on further consideration of the bill at this time, on the ground that the time for the consideration of local bills has arrived.

The Speaker sustained the point of order.

SENATE BILL NO. 170 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 170, A bill to be entitled "An Act to incorporate the Hebbroville Independent School District, Jim Hogg county, Texas, placing the said independent school district under the general statutes governing school districts incorporated for school purposes only, under the general laws of Texas; providing for a board of trustees therefor; providing for the assumption and refunding by the said Hebbroville Independent School District as herein defined of the bonded and other indebtedness of Common School District No. 1 of Jim Hogg county, Texas; providing for the payment by the Hebbroville Independent School District of the pro rata share of the bonded indebtedness of the Benavides Independent School District and validating said obligation; providing for commissioners to fix said pro rata share of said bonded indebtedness; and expenses of said commissioners; repealing all laws in so far as they might conflict herewith, and creating an emergency."

The bill was read second time and passed to third reading.

SENATE BILL NO. 133 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 133, A bill to be entitled "An Act to amend Section 1 of Senate bill No. 399, Chapter 58, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-Fourth Legislature of the State of Texas, entitled 'An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency,' and to amend Section 1 of Senate bill No. 81, Chapter 91, page 279, of the Local and Special Laws passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to amend Section 1 of Senate bill No. 399, Chapter 54, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled 'An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency,' and declaring an emergency.'"

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—114.

Aiken.	Childers.
Baker.	Chitwood.
Baldwin.	Coffee.
Barker.	Cox.
Barrett of Bell.	Crawford.
Barrett of Fannin.	Crumpton.
Beasley	Cummins.
of Hopkins.	Curtis.
Beasley	Darroch.
of McCulloch.	Davis, John E.,
Beavens.	of Dallas.
Black, W. A.,	Davis, John,
of Bexar.	of Dallas.
Bonham.	Dinkle.
Brady.	Duffey.
Branch.	Duncan.
Brown.	Edwards.
Bryant.	Estes.
Burns.	Faubion.
Carpenter.	Fly.

Fugler.	Patman.
Garrett.	Perkins
Greer.	of Cherokee.
Grissom.	Perry.
Hall.	Pollard.
Harrison.	Pope.
Henderson	Quaid.
of McLennan.	Quicksall.
Henderson	Quinn.
of Marion.	Rice.
Hill.	Rogers of Harris.
Horton.	Rogers of Shelby.
Johnson of Ellis.	Rountree.
Johnson	Rowland.
of Wichita.	Satterwhite.
Jones.	Seagler.
Kacir.	Sims.
Kellis.	Sneed.
Lackey.	Stephens.
Laird.	Stevenson.
Lauderdale.	Stewart
Lawrence.	of Edwards.
Leslie.	Stewart of Reeves.
Lindsey.	Swann.
Looney.	Sweet of Brown.
McCord.	Sweet of Tarrant.
McFarlane.	Teer.
McKean.	Thomas
McLeod.	of Limestone.
Malone.	Thomason.
Martin.	Thompson
Marshall.	of Harris.
Mathes.	Thompson
Menking.	of Red River.
Merriman.	Thorn.
Miller of Dallas.	Thrasher.
Miller of Parker.	Veatch.
Morgan.	Wadley.
Moore.	Walker.
Morris of Medina.	Wallace.
Morris	Westbrook.
of Montague.	Williams
Mott.	of McLennan.
Neblett.	Williams
Neinast.	of Montgomery.
Owen.	

Absent.

Bass.	Laney.
Black, O. B.,	Melson.
of Bexar.	Perkins of Lamar.
Burkett.	Rosser.
Burmeister.	Schweppe.
Hanna.	Smith.
Hardin.	Webb.
Harrington.	Wessels.
Hendricks.	West.
King.	Wright.
Kveton.	

Absent—Excused.

Adams.	McDaniel.
Binkley.	Pool.
Johnson	Shearer.
of Gillespie.	

(Mr. Owen in the chair.)

HOUSE BILL NO. 192 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 192, A bill to be entitled "An Act to insure the correct and true classification of cotton by cotton buyers; to require all persons desiring to buy cotton to first procure a license from the Commissioner of Agriculture; to define the meaning of 'cotton buyers' and to provide for the examination of such persons as may desire to become cotton buyers by the Commissioner of Agriculture as to the ability of the applicant to correctly grade and classify cotton; to provide for the forfeiture of the license so issued upon the licensee violating the provisions of this law; making it a penalty for cotton buyers within the meaning of this act to knowingly falsely classify or grade cotton bought by such cotton buyer; to prohibit any person from engaging in the business of buying cotton without first procuring a license or permit so to do from the Commissioner of Agriculture in the manner and form herein provided; to require the Commissioner to furnish permanent durable tags to be placed upon each bale of cotton by the bonded gin ginning the same and to have on each of said tags certain letters, figures and signs to be used to identify the bale of cotton, the grade and classification of the cotton, where it was ginned and the owner of the same and by whom bought and to whom sold, said tag to be selected and designed by the Commissioner and sufficient number furnished to each gin in the State of Texas at actual cost plus postage and transportation expenses; making it an offense for any person to mutilate or to punch or in any manner interfere with the security of said tag attached to the bale of cotton; to require the Commissioner to furnish certain punches to be selected by him to each cotton buyer within the meaning of this act, said punch to be used by the cotton buyer to punch the tag and indicate the class at which he bought the same; to require the Commissioner to furnish blank forms for cotton buyers to make reports to the Commissioner as to the cotton bought by them and the class at which it was bought and to whom the same was sold; to require the Commissioner to issue licenses upon the payment of a certain amount to all persons desiring to buy cotton, who show them-

selves qualified to truly classify and grade cotton; authorizing the Commissioner to cancel said license upon the violation of the provisions of this act by the person holding same, and providing how said license may be cancelled without judicial ascertainment, and to prevent the issuance of another to the same person within specified time; to prohibit any person not a cotton buyer from using the punch of a cotton buyer or punching the tag on a bale of cotton; the design of said punch to be selected by the Commissioner of Agriculture and to require the Commissioner to select a different punch for the cotton buyer who buys from the producer to the punch furnished the cotton buyer who buys from another, other than the producer of cotton; to require the cotton buyer to report to the Commissioner, under oath, each month, the cotton by him bought, and to indicate the class and to whom sold; making it prima facie evidence that a cotton buyer had intentionally falsely classified cotton when he sells it at a higher class than he bought it; providing for the forfeiture of the license for falsely classified cotton under certain circumstances, and for criminal punishment for so doing; and prohibiting the issuance of another license to the same person within specified time; to require the Commissioner to preserve a record or stub showing all licenses issued and to mark upon said license stub or record the word 'cancelled' and to do and sign the same officially when the same is cancelled under the provisions of this act; providing for the Commissioner to furnish blank forms for persons desiring to enter into the business of buying cotton and specifying the requirements to be embodied in said form and providing for the conditions upon which the same shall be issued; making it a misdemeanor for the violation of the provisions of this act, and prescribing punishment therefor; to give the Commissioner the authority to enter upon any premises and into any warehouse, compress, ship, dock, railroad car, or any other place where cotton is kept, deposited or stored for the purpose of inspecting same, and making it an offense for any person, firm or corporation to refuse to permit the Commissioner or his agent, or anyone acting for him, to so enter such premises and make such examination; providing that the provisions of this act shall apply and relate to the purchase and sale of actual cotton and that it shall in no manner

affect future contracts; to prohibit any cotton buyer from entering into any conspiracy with any other cotton buyer or other person by which said cotton buyer shall sell or buy cotton and pay for the same at a higher class than the classification of the same as indicated by such buyer on a tag attached to the cotton so bought, or to in any manner receive a bonus or reward from a person, firm or corporation buying the same for the delivery of the same to the buyer at a class lower than the true class of the cotton in the opinion of the buyer or seller at the time; providing that merchants buying cotton and crediting one-half of the purchase price on account shall not be considered as engaging in the business of cotton buying, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

(Speaker in the chair.)

NOTICES GIVEN.

Mr. Quinn gave notice that he would on tomorrow call up House bill No. 120, which bill has heretofore been laid on the table subject to call.

Mr. Curtis gave notice that he would on tomorrow call up House bill No. 70, which bill has heretofore been laid on the table subject to call.

RECESS.

Mr. Williams of McLennan moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Thompson of Red River moved that the House adjourn to 9:30 o'clock a. m. tomorrow.

Mr. Bonham moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion of Mr. Williams of McLennan prevailed, and the House accordingly, at 5:20 o'clock p. m., took recess until 9:30 o'clock a. m. tomorrow.

TWENTY-THIRD DAY.

(Continued.)

(Friday, February 11, 1921.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 192 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished special order, for considera-